

## **REMARKS**

Claims presented for prosecution in this Application are claims 1-28. Claims 2-4, 6-9, 12-14, 16-19, 24, and 28 are cancelled herein based on the restriction requirement. Claims 1, 5, 10, 11, 15, and 20-23 have been rejected over cited prior art. Claims 25-27 contain allowable subject matter. Claims 1, 10, 21, 25, and 27 have been amended. Claims 11, 15, and 20 are cancelled herein. Claim 29 has been added. No new matter is inserted into the claims. In view of Applicants' remarks below, Applicants respectfully submit that claims 1, 5, 10, 21-23, 25-27, and 29 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

### **Restriction**

Applicant has cancelled claims 2-4, 6-9, 12-14, 16-19, 24, and 28 in view of the restriction requirement in order to further prosecution.

### **Claim Objections**

The Examiner has objected to claim 27 because it depends from a subsequent claim. Claim 27 has been amended to depend from claim 26 in accordance with the Examiner's suggestion, and Applicants respectfully request that this objection be withdrawn.

### **The 35 U.S.C. § 112 Rejection of Claims 25-27**

The Examiner has rejected claims 25-27 as being indefinite for having terms with insufficient antecedent basis. Claim 25 has been amended to overcome this rejection, and the claims are now believed to be allowable.

The 35 U.S.C. § 102(b) Rejection of Claims 1, 5, and 10 over Kleinguenther

The Examiner has rejected claims 1, 5, and 10 as being anticipated by Kleinguenther. Applicants respectfully assert that Kleinguenther does not disclose each and every aspect of, at least, independent claims 1 and 10, as amended. Reconsideration of the claim and withdrawal of the instant rejection are respectfully requested.

As now recited in Claim 1, the compensation system comprises, *inter alia*:

a gas discharge port formed **only** in an **upper three quarters** of said compensator assembly (emphasis added).

In stark contrast, the stabilizer shown in Kleinguenther defines exhaust ports *around the entire circumference* of the primary exhaust section (see Figs. 1 and 2).

As will be appreciated by one of ordinary skill in the relevant art, the present invention provides a compensation system that directly counteracts the upward discharge force of a firearm by placing the gas discharge ports *only* in the *upper three quarters* of the compensator assembly. By directing all of the discharged gas through the upper three quarters of the compensator assembly, the present invention channels all of the discharged gas energy in a direction that directly counteracts the upward movement of the barrel during discharge. The assembly shown in Kleinguenther, however, places a plurality of exhaust ports about the entire periphery of the primary exhaust section. Thus, a portion of Kleinguenther's discharged gas energy actually counteracts the compensation effects of that portion of the discharged gas which exits through the ports formed in the upper three quarters of the stabilizer. As will be appreciated, the compensation effects of the present invention are far greater than that which is possible utilizing Kleinguenther's stabilizer.

Applicants therefore respectfully submit that claim 1, and claim 5 dependent thereon, clearly distinguish over Kleinguenther and the other cited prior art of record.

Claim 10 has been amended to be rewritten in independent form. Claim 10, as amended, now includes: "said gas aperture not being aligned with said longitudinal bore." The Examiner noted that the barrel of Kleinguenther includes a muzzle that constitutes a "gas aperture." Claim 10 has been amended to better define the "gas aperture" and now clearly distinguishes over Kleinguenther and the other cited prior art of record.

Should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues, via an Examiner's Amendment or the like.

**The 35 U.S.C. § 102(b) Rejection of Claims 11 and 21 over Leffel et al.**

The Examiner has rejected claims 11 and 21 as being anticipated by Leffel et al. Claim 11 has been cancelled herein, which renders the rejection of claim 11 moot. Applicants respectfully assert that Leffel et al. do not disclose each and every aspect of independent claim 21, as amended. Reconsideration of the claim and withdrawal of the instant rejection are respectfully requested.

Claim 21, as amended, comprises an annular flange, "said annular flange having a flange diameter which is greater than an outer diameter of said barrel." The Examiner noted that item 3A of Figure 2 of Leffel et al. could constitute a flange. Claim 21 has been amended to better define the flange as an "annular flange" with a "flange diameter which is greater than an outer diameter of said barrel." Leffel et al. do not disclose an annular flange as recited in claim 21.

Applicants earnestly believe that independent claim 21, as well as new claim 29 which depends from it, clearly defines over Leffel et al. and the other cited prior art of record.

Should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so

as to expedite resolution of these outstanding issues, via an Examiner's Amendment or the like.

**The 35 U.S.C. § 103(a) Rejection of Claims 11, 15, and 20-23 over Leffel et al. in view of Holloway**

The Examiner has rejected claims 11, 15, and 20-23 as being obvious over Leffel et al. in view of Holloway. Claims 11, 15, and 20 have been cancelled herein, which renders the rejection of those claims moot. Applicants respectfully assert that neither Leffel et al. nor Holloway, either alone or in combination, discloses each and every aspect of, at least, newly amended independent claim 21, from which claims 22, 23, and new claim 29 depend. Reconsideration of the claim and withdrawal of the instant rejection are respectfully requested.

Applicants respectfully submit that Leffel et al. do not speak to the present invention. The reasons as stated above for the § 102(b) rejection of claim 21 are equally applicable to this rejection. In addition, the Examiner states, "Leffel et al. fail to disclose a shroud defining a longitudinal bore adapted to receive a barrel therein and the shroud having a firing axis."

Holloway does not overcome these deficiencies. Holloway discloses a composite for gun barrels that is fused to the gun barrel. Claim 21 comprises "a barrel *releasably housed* within said shroud." Since the composite of Holloway is fused to the gun barrel, it cannot *releasably house* the barrel.

All the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03). As discussed above, Leffel et al. in view of Holloway fail to teach or suggest all the claim limitations of the pending claims as currently amended. Thus, a *prima facie* case of obviousness has not been established, and withdrawal of the instant rejection is respectfully requested.

**Allowable Subject Matter**

As suggested by the Examiner, claim 25 has been rewritten to include all of the limitations of the base claim. Claims 26 and 27 now ultimately depend from independent claim 25. Therefore, these claims should be allowable.

Applicants earnestly believe that claims 25-27 are in condition for allowance; however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues, via an Examiner's Amendment or the like.

## CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1, 5, 10, 21-23, 25-27, and 29 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

Please charge the fee for the attached One Month Extension to our Deposit Account No. 13-0235. It is believed that no additional fees or deficiencies in fees are owed with the filing of this Amendment. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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